

APPEAL HEARING MINUTES

1. Kind of meeting: Morning Appeal Hearings

2. Date: February 23, 2016 **Place:** Hearings Room

3. Present: Jeff Painter, Christopher Curtis, Judith Napier, Henry Marsh, SAAG Kristina Stoney, Pam Boggs, Melissa Custis & Kristie Miles

- 10:10 a.m. - Hearing was called to order.
 - PBR Hampton Roads and Tapps – Dana Alan Gausepohl, Esq.
 - O Herman – Nosuk Pak Kim, Esq.
- 10:32 a.m. - Closed session - With no further cases, J. Painter moved that the Board enter closed session pursuant to 2.2-3711(A)(7) to receive advice from counsel; The motion was seconded by H. Marsh - the Board unanimously (Painter, Napier, Marsh) voted to go into closed session. Attendance at closed session was J. Painter, J. Napier, C. Curtis, H. Marsh, SAAG K. Stoney, and P. Boggs.
- 11:05 a.m. - J. Painter made a motion to return to open session, H. Marsh – seconded the motion and the Board voted unanimously to go back into open session. The Board then certified by voice vote that nothing was discussed in the closed session but legal matters pursuant to 2.2-3711(A)(7). Vote was unanimous.
 - In the matter of PBR Hampton Roads and Tapps – J. Painter motioned to substantiate the charge and follow the decision of the hearing officer. The decision was that the privileges of purchasing and selling mixed beverages shall be suspended for thirty (30) days; provided however, that upon payment of one thousand dollars (\$1,000.00) as a civil penalty, the suspension shall be terminated at the end of fifteen (15) days. Additionally, the licensee is required to submit a CPA-audited report of food and mixed beverage sales for the next MBAR report that is due after the date of the Board Order in this matter. H, Marsh seconded and the motion was carried unanimously.
 - In the matter of O Herman – J. Napier motioned to accept additional evidence; H. Marsh seconded and the motion was carried unanimously. J. Napier motioned that based on the increased operating hours and the additional evidence establishing that the licensee has come into compliance; the Board accepts the offer in compromise made by the licensee. The offer is for a \$3000 civil penalty and no suspension. H. Marsh seconded the motion and it was carried unanimously.
- 11:10 a.m. – With no further business – J. Painter moved to adjourn for the morning, J. Napier - seconded the motion and the motion passed unanimously.

AFTERNOON APPEAL HEARING

Present: Jeff Painter, Christopher Curtis, Judith Napier, Henry Marsh, SAAG Kristina Stoney, Pam Boggs, Melissa Custis & Kristie Miles

- 2:04 p.m. - Hearing was called to order
 - 7 Eleven Store 25098 A – C. Ryan Jones, Esq.
 - McCormack's Whisky Grill & Smokehouse – Cameron Gilbert, Esq.
- 3:00 p.m. - Closed session - With no further cases J. Painter moved that the Board enter closed session pursuant to 2.2-3711(A)(7) to receive advice and to discuss litigation and pending cases from counsel; H. Marsh seconded the motion and the Board unanimously (Painter, Napier, Marsh) voted to go into closed session. Attendance at closed session was J. Painter, J. Napier, H. Marsh, SAAG K. Stoney, and P. Boggs.

- 4:05 p.m. - J. Painter motioned to return to open session, H. Marsh seconded the motion and the Board voted unanimously to go back into open session. The Board then certified by voice vote that nothing was discussed in the closed session but legal matters pursuant to 2.2-3711(A)(7). Vote was unanimous.
 - In the matter of McCormack's Whisky Grill & Smokehouse – The Board postponed the vote until the next Appeal Hearing.
 - In the matter of 7-Eleven Store 25098 A – J. Painter motioned to substantiate the charge and uphold the initial decision of the hearing officer. The decision of the hearing officer was that the privileges of purchasing and selling alcoholic beverages shall be suspended for 15 days; provided however, that upon payment of \$1200.00, as a civil penalty, the suspension shall be terminated. H. Marsh seconded the motion and it was carried unanimously.
- 4:05 p.m. – With no further business – J. Painter moved to adjourn for the day, H. Marsh – seconded the motion and the vote was passed unanimously.